



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

**Testimony of the Honorable Christine E. Keller
Chief Administrative Judge for Juvenile Matters**

**Judiciary Committee Public Hearing
February 28, 2011**

**H.B. 6442, An Act Concerning the Appointment of Counsel and Guardians
Ad Litem in Child Protection Matters, and the Appointment of Permanent
Legal Guardians**

Good morning Senator Coleman, Representative Fox, Senator Doyle, Representative Holder-Winfield, Senator Kissel, Representative Hetherington and members of the Judiciary Committee. On behalf of the Judicial Branch, and as a member of the Connecticut Bar Association's Children and the Law Committee, I am here today to testify in support of *House Bill 6442, An Act Concerning the Appointment of Counsel and Guardians Ad Litem in Child Protection Matters and the Appointment of Permanent Legal Guardians*.

Section 1 of this bill would clarify the role of the court, the Chief Child Protection Attorney, counsel for the child and guardians ad litem in child protection cases. It addresses a problem we have encountered when issues in a family custody case rise to the level where the Department of Children and Families receives a referral and files a neglect petition. In many such cases, the children have been appointed counsel and/or a guardian ad litem in the family case. This bill would allow the appointment of those same attorneys in the child protection case, which makes sense since these attorneys are already very familiar with the facts and legal issues involved.

Section 1 also clarifies what circumstances warrant that a guardian ad litem be appointed for a child in addition to an attorney, and would avoid potential violations of the Code of Professional Responsibility by attorneys for children and the unnecessary diminution of a child's right to be heard in such proceedings.

Section 2 creates a new permanency option for children – a permanent guardianship. This option, which currently exists in other states, does not require a termination of parental rights, but still ensures permanency and stability for the children.

Current law authorizes only temporary guardianships. Under the present statutory framework, a parent whose guardianship rights have been removed and transferred to another person may seek reinstatement or guardianship repeatedly, at any time. This undermines permanency for the child, because the child's placement is always capable of being disrupted. The child may be exposed to constant disharmony between his caretakers and his or her parent or parents.

Under the proposed language, if a court finds by clear and convincing evidence that a ground for the termination of parental rights exist, or if the parents consent, the court can award permanent guardianship to a suitable or worthy person in lieu of terminating the parents' rights. This will usually be a relative of the child. The court would also have to find by clear and convincing evidence that the proposed permanent guardianship is in the child's best interests, that the proposed permanent guardian is willing to assume the responsibility for the child until the child attains the age of majority, that adoption of the child is not possible or appropriate and that the child has resided with the proposed permanent guardian for at least a year. In addition, any child who is twelve or older must consent to the permanent guardianship.

This proposal fulfills the need to establish a stable and permanent living arrangement for a child while recognizing that, in many cases, the "termination," never really is one in fact, because oftentimes the relative, e.g. grandmother, will continue to permit loving contact between the child and the parent. I believe the enactment of this status will promote settlements in many cases that might have proceeded to a full termination of parental rights. In addition, it will avoid the constant filings of motions to reinstate guardianship rights by parents who have yet to achieve, or possibly never will achieve, personal rehabilitation to the role of an effective parent. Currently, the court-appointed guardians must continue to come to court and defend these motions, sometimes at their own expense. Under the proposal, a permanent guardianship can be terminated only upon a determination that the permanent guardian is no longer suitable, rather than on a determination that the competency of the parent has improved. Furthermore, the parent cannot seek reinstatement of guardianship. With this bill, the child would have a much more secure, stable and permanent home and the parent could still be permitted an ongoing relationship.

I would respectfully request that the proposed new subsection (r), on lines 587-594, be deleted, as whether or not a request for visitation should be heard in the family or the juvenile court requires a case-by-case determination.

Finally, I would like to point out that the bill does not in any way alter the ability of the court to order the current statutory form of guardianship as a disposition if it finds that is in the best interests of the child. It also does not preclude the possible option of termination of parental rights in the future.

I urge the Committee to act favorably on this proposal, with the exception of lines 587-594.

Thank you for your time and consideration of my comments.